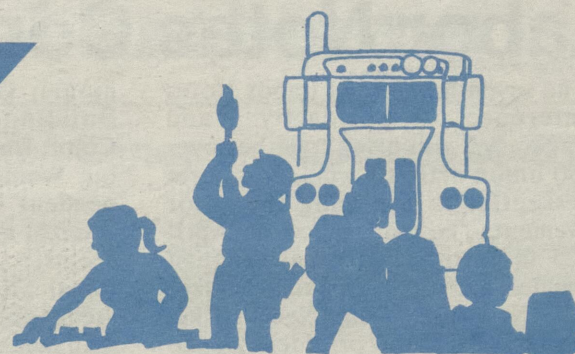


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TEAMSTER CONVOY DISPATCH



VOICE OF THE TEAMSTER RANK AND FILE SINCE 1975

March 1993 #121

War Breaks Out Over Grievance Reform

"This is for all the marbles, it's what members have campaigned and fought for. Fate has put car haulers up first, but it's for all Teamsters. We've got to win it."

—Jim Carothers,
Commercial Carriers steward,
Detroit Local 299

In January and February the battle over reform of our grievance procedures broke into the open. On one side are old guard officials who were defeated in the first-ever IBT election, but who still control most levels of the union. And with them, the employers. On the other side are Ron Carey and the new IBT leadership—and the active rank and file who elected them. Carey has sent a letter to all car haulers and urged them to respond with thousands of postcards to show which side they're on.

The battle begins in carhaul, because it is here that grievance procedure reform is coming first. But freight, UPS, warehousing and other Teamsters will come next. Many active Teamsters are saying "it's about time."

Carey and the IBT leadership launched reform of the carhaul grievance panels. First, they changed the personnel at the national level. Second, they began to bargain with the employers to reform the rules of procedure. Already the carhaul employers have agreed to two reforms: (1) a member has a right to a tape recording of the grievance hearings, and (2) a right to a written explanation for a decision. But on other key issues the employers are refusing to recognize membership rights. They refuse to allow stewards to observe any grievance hearings they want, though management can. And they refuse to recognize the newly appointed union personnel at the Central-Southern area grievance panel.

Old Guard-Employer Collusion

The old guard officials on Jan. 25 actually tried to physically take over

the Central-Southern grievance panel. Central Conference Chairman Jack Yager and Southern Conference Chairman Jerry Cook sent their goats to head up a kangaroo panel, Brendan ("Let's Make a Deal") Kaiser of Wisconsin Local 579, and Charlie Thompson, formerly of OK City Local 886 and now employed by Cook in the Southern Conference. Yager and Cook did this despite the fact that Carey had sent them a letter instructing them not to, and reminding them of possible charges.

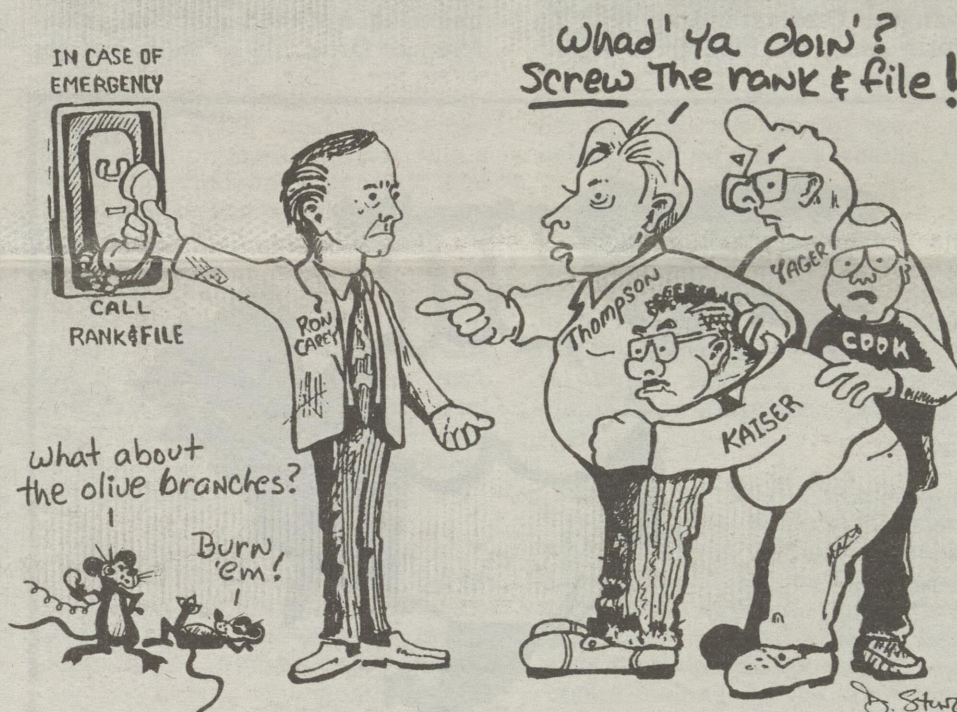
The employers then said they would not participate because the union was split. When Carey reminded them that they had a duty to meet to settle grievances and could face economic action, the largest carhaul employer, Ryder, addressed a letter to all members threatening them with discharge if they were to strike. The employers have made clear what side they are on, while they pretend to be neutral.

The old guard also filed suit in federal court in Detroit, on Feb. 8, asserting their right to control the conference-area level panels. This tactic was earlier signaled in a letter from George Rohrer, the retired freight director of the Western Conference and a close associate of Mike Riley. R.V. Durham has just issued a six-page letter and sent it to all locals (at union expense) attacking Carey on everything from selling the union's luxury jets to Carey's opinion of the movie "Hoffa." Various joint council presidents such as Larry Brennan of Michigan and Harold Yates of Minnesota are moving to attack Carey and block reform.

If these names sound familiar, they should. They were the candidates and key supporters of the Durham Slate defeated in the IBT election in 1991.

Carey and the Rank and File

Carey made clear at the January meeting of the General Executive Board (GEB) that he does not intend



to back down. And how can he? Grievance panel reform was a central plank of his campaign, and it must reach down to the area level and to all the various panels and industries.

Carey's letter to all car haulers was sent out on Feb. 11 and bluntly headlines, "The carhaul companies and some Teamster officials are blocking reform of the grievance panels. I need your support to protect your job and your wages."

The GEB has the power to amend and clarify Article 12 of the IBT Constitution to facilitate grievance reform

and change of personnel. This method is exactly how we won Majority Rule on contract votes in 1988. GEB members have told us they are solidly behind grievance reform. Charges were filed against Kaiser for obstructing the grievance process by Detroit Local 299 BA Charlie Lee and by Tampa Local 79 President Bob Cummins.

An IBT official told us, "Ron has spent a year trying to work with as many officers at all levels as he could. He wants a unified union. Now he's made a move to start to fulfill a cam-

continued on page 8

Teamsters for a Democratic Union
P.O. Box 10128
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This paper is paid for and distributed by concerned Teamsters. We invite you to do your part—join TDU to help improve our union. See application form on page 7.

UNION SOLIDARITY

'Solidarity & Democracy'—April 23-25

Labor Notes Conference in Detroit

The seventh biannual Labor Notes Conference, "Solidarity and Democracy," will bring together over 1,000 union activists who see reform as essential to renewing the labor movement. The conference, on April 23-25 in Detroit, will feature Juan Gonzalez, a key activist and organizer of the New York *Daily News* strike, and Bob Wages, the president of the Oil, Chemical and Atomic Workers union (OCAW). Activists from unions representing workers in manufacturing, communications, health care, education, transportation, the public sector and other industries will participate in some 60 workshops, panels and interest meetings. Participants from Japan, Mexico, Canada, the Middle East, Germany, France, South Africa and Malaysia also will attend.

Workshops led by leaders on the frontlines of the fight to rebuild the labor movement will include: Is the Strike Obsolete?; Fighting Work Rule Changes; Understanding NAFTA (North American Free Trade Agree-

ment); Cross Border Organizing; Building a Union Leadership of Color; Bucking Team Concept; Building Women's Leadership; and Independent Political Action for Labor. Interest meetings will include one for Teamsters. Many of the TDU International Steering Committee members are planning to attend the conference, with many other Teamster members.

The international conference will focus on building alliances and overcoming barriers to solidarity within the labor movement. Canadian, Mexican and U.S. workers challenging NAFTA will be featured on a main panel addressing new organizing models.

"To fight concessions and make contract gains we need solidarity and a broad-based labor movement," says Teamster Local 1145 member Gillian Furst of Minneapolis. "There is no better place for Teamsters to meet like-minded activists from other unions than at the Labor Notes Conference. Drive, fly or walk, but get

there ... you'll be glad you did!"

Labor Notes is a Detroit-based monthly labor newsletter and a network of union activists that organizes national conferences and schools. Labor Notes also publishes a variety of books relevant to unionized and unorganized workers reflecting changes in the global economy, new management strategies, and stopping sexual harassment on the job.

The conference will be held at the Hyatt Regency Hotel in Dearborn, Mich., which provides shuttle service from Detroit Metro Airport. A \$55 registration fee (\$65 Canadian) includes an education packet, banquet, and morning coffee and danish. Hotel accommodations are made directly with the hotel at 1-800-233-1234. Rates are \$64 single/double; \$74 triple, and \$84 quad. You must tell the hotel you are with Labor Notes to receive this rate. For more information call Labor Notes at (313) 842-6262.

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Who We Are

CONVOY DISPATCH is the voice of Teamsters for a Democratic Union. We are the united rank and file movement to reform the Teamsters, created out of the merger of PROD and TDU.

We are truck drivers, dock workers, production workers—every kind of Teamster, and spouses, too.

We are a grassroots organization with chapters from coast to coast in the USA and Canada. We believe in returning this union to the membership and we are doing it. We are a democratic organization in which every member has a voice and vote. Our 17-member International Steering Committee was elected in October 1992 for one year. Our Rank & File Convention had nearly 600 representatives present.

We are proud Teamsters standing up for our rights. TDU invites all Teamsters interested in defending our contracts and reforming our union to join us. We do reserve the right to exclude those who are opposed to TDU and its principles.

Rank & File Bill of Rights

I. DEMOCRATIC BY-LAWS. All business agents and stewards should be elected. Vacancies in office should be filled by special election within three months. Local union committees should be elected. Contract and strike votes should be by majority (not two-thirds). All contracts should provide for elected officers retaining company seniority.

II. DIRECT ELECTION OF OFFICERS. General President and all International officers should be elected by the membership. International VPs elected by regions. An end to trusteeships and split-off locals.

III. A FAIR GRIEVANCE PROCEDURE. Innocent until proven guilty, right to remain on the job until final procedure completed. Grievance procedure should include right to a speedy trial, arbitration by peers, and the right to strike if necessary.

IV. PRESERVATION OF WORKING CONDITIONS. The union's purpose is to expand and preserve what we have, not trade it away for anything less. People come first, not productivity.

V. SAFETY AND HEALTH. We have the right to enter the workplace without fear for our health and leave in the same condition we arrive. Teamsters should have the right, backed up by our union, to refuse unsafe work or hazardous conditions. We are not machinery.

VI. EIGHT-HOUR DAY AND FIVE-DAY WEEK. Forced overtime and unfair dispatch rules destroy our family life and cost us jobs. No mandatory overtime, "flexible" work weeks, or 70-hour slavery. We are for the advent of the four-day work week. We work to live, not live to work!

VII. A DECENT PENSION. Every dollar in the pension funds belongs to us. We are entitled to 25-and-out, cost of living on pensions, and union pension trustees elected by the rank and file and retirees to safeguard our money.

VIII. JUST SALARIES FOR OFFICERS. A union officer can't understand the problems of members who make less than half what he makes. No officer should make more than the highest paid working members in his jurisdiction. No multiple salaries from union, company, or government sources, or special fringes and pensions. Salary increases limited to the average increase for membership, and subject to membership approval.

IX. EQUALITY AMONG TEAMSTERS. Bring all wage levels up to the highest standards, not a lot for the few and little for the many. Fight the hardest for the lowest paid.

X. END TO DISCRIMINATION. Employers have used the differences in age, race and sex to divide us for decades. We oppose these injustices and divisions. Support affirmative action to correct past injustices. Employers should bear the cost of their past discrimination, not the members.

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How to Contact TDU

We want to hear from you. Contact us at the locations listed below for more information about TDU, or to send us articles or letters concerning Teamster-related issues.

National Office: P.O. Box 10128, Detroit, Mich., 48210. (313) 842-2600.

Western Organizer: Gail Sullivan, 5337 College Ave., Suite 458, Oakland, Calif. 94618 (510) 658-7159.

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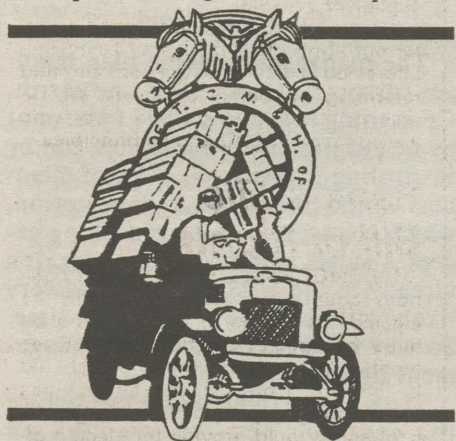
UNITE, FIGHT FREE TRADE!

NEW TEAMSTERS UNION

Living With the Past

Roots of the Teamster Financial Problems

The Teamsters union has a long and in many ways a proud history. Over the past 91 years our union has been built with the dedication and courage of rank and file members and leaders alike, especially in turbulent periods. Of course, part of our history includes corruption and greed on the part of



certain officials. We are shaped by our past, and often in more ways than we may realize. This is true with respect to the financial crisis of our International union. Its roots are deep.

The Teamsters union prior to the 1930s was a craft union. Each local represented a certain "craft," mostly in larger cities, such as milk drivers, bakery drivers, or produce drivers. The craft mentality was so strong that in the 1930s, when modern trucking was born, International President Dan Tobin stated that he did not want trucking industry drivers in the Teamsters. He called them "riff raff."

But after the Minneapolis strikes of 1934 and the organizing drive in the Midwest began to produce a giant increase in membership, Tobin changed his mind. The Teamsters union grew tenfold in a matter of just several years. But the old "craft" structure remained in place, and for decades

R.V. Lost in the Past

R.V. ("I Lost the Election") Durham continues as the sour-grapes point man for the old guard. He must have a lot of time on his hands at his desk in Local 391 because he's become a prolific letter writer. A six-pager dated Feb. 9 was sent to union officials snivelling about how the International magazine is "being used by the so-called 'New Teamsters' in an effort to place blame for poor present-day administrative decisions on past leadership."

The letter is intended to be a call to arms to other union officials against the necessity to increase the \$3.90 a month per capita tax that goes from locals to the International union. That per capita, 20 cents of which the IBT rebates back to the conferences, has not been raised in over a decade.

More than a page of Durham's letter focuses on the \$200 strike benefits, an increase primarily supported by Carey and Shea delegates at the 1991 IBT Convention. Durham says yet again, "A strong minority of the delegates including myself supported the Constitution Committee's recommendation to only double the benefit to \$100. ... They (Carey and Shea) created the problem, took the credit for it while campaigning, and now they are the ones who have to be held accountable."

R.V. fails to understand the real issue. Our union needs a stronger International to support our membership and affiliates in their struggles with national and multinational corporations. This is not 1960. Will our Teamsters union move forward to the 21st century and develop new organizing, educational and field programs—which will benefit local unions and the membership? Or will we stop the rank and file movement in its tracks and retreat to the failed policies of the old guard?

At the IBT Convention, the Durham-controlled Constitution Committee did not exhibit the leadership or courage to recommend an overdue increase in the per capita taxes to the International. This was because the Durham election campaign was focused on officials and a popular, though shortsighted, "no new taxes" platform.

Yes, the strike fund is endangered because of an increase to \$200 per week benefits and because of an increase in overall strike activity. The solution is not to slash those much-needed benefits to \$100 (the fund would still deplete, though more slowly). The solution lies in discussion with union officials and members to develop a fair plan for increasing the per capita funds to support an International union capable of helping us take on labor's corporate and governmental enemies.

AFL-CIO Lifts Sanctions Against IBT

The AFL-CIO Executive Council on Feb. 18 lifted sanctions against the Teamsters union for violating the federation's no-raid rules. The sanctions were first imposed over three years ago. All of the complaints originated before the current General Executive Board took office.

"The Teamsters union is putting the old days behind us by working with other unions, not against them," said IBT President Ron Carey. "Unions' struggles should be with employers who try to take away health care or with trade policies that destroy good jobs—not with other unions."

The IBT is now pursuing cooperative approaches with other unions to meet the challenge of organizing the 85% of the workforce currently non-union.

Convoy Dispatch Series on Finances of IBT

The financial crisis of the Teamsters union should be a concern for all Teamsters. In a series of reports, we will take a look at our union's finances and what may be done to move our union forward. In this first report, we take up the history

of our union's structure. In future reports, we will deal with the financing of our strike fund, where your dues dollar goes, deficit spending in the 1980s, and what might be done to address the situation. Comments and questions are welcome.

after its time. The Teamsters stayed with the American Federation of Labor (AFL) when the Congress of Industrial Organizations (CIO) was born and grew.

New unions were growing up with a different structure. These included the Auto Workers, Mine Workers, Communications Workers, etc. Take the Auto Workers, for example. Their first contract of any importance came in 1937, and it was with General Motors, the largest corporation in the world. Quite naturally, they adopted a structure appropriate to that situation. It was not based on local autonomy and local craft-unionism.

The Teamsters retained a locally based, craft-oriented structure with a weak International center. The Teamsters lacked any International leadership with the vision to move the union forward.

The exception was James R. Hoffa. Hoffa saw the need for structural change, and for national agreements and strategies. The high-water mark of Hoffa's career was the National Master Freight Agreement, brought about in 1964. Hoffa began to change the structure of the Teamsters.

Three years later Hoffa went to prison and Frank Fitzsimmons ran the union from the golf course. In one of Hoffa's last interviews before he disappeared in 1975, he stated what he would like to do: "I'd reinstitute some additional organizers for the purpose of having master contracts. There is no way unions can survive except with master contracts ... there are no master contracts other than the ones I left them ... the leaders are too busy on the golf course, flyin' around in seven jet planes they own."

Hoffa was right. Today, in 1993, consider the warehouse division of the Teamsters, which is the largest division we have. Major national and international corporations such as Kroger, Safeway, Fleming, SuperValu, A&P, American Stores, Albertson's and Sysco dominate the field, yet our union operates in the era of mom & pop companies. We have no national contracts and little coordination. The warehouse division traditionally has no staff and no funding.

The result? The corporations have been kicking our butt. Kroger Teamsters who were once above freight Teamsters are now far below. Jobs are subcontracted away, though Kroger is more profitable than the

freight carriers. Sysco Teamsters were forced on strike in Cincinnati last year, but all other Sysco Teamsters nationally were busy making profits for this giant, while our members were getting their eyes punched out.

The old guard of our union produced no leaders capable of dealing with this situation, with updating our union. They kept operating in the same old ways, with little coordination or innovation. No corporate campaigns or strategic plans were developed. The locally oriented structure, which served us well at one time, needed updating. A new structure, taking the best from the old but changing it to suit our present needs, was needed. But no one was leading.

Financial Structure

Our union had a financial structure to match. It was never updated. Our present \$3.90 per month per member to the International union (20 cents of that is rebated to the conferences) is far below that of other modern unions. And it has been frozen for 10 years!

In 1981 at the IBT Convention in Las Vegas, the leadership proposed and delegates (officers) passed a proposal to automatically increase International officers' salaries with a 100% cost of living formula. But no such formula was put in place to increase funding. At the same convention, the leadership announced proudly that the union had no problems at all. Everything was fine. The same happened at the 1986 convention. The delegates were happy as could be, and spent over \$600,000 of our dues at just one party at Caesar's Palace on the Las Vegas strip. At the 1991 convention in Orlando, the leadership again proposed a freeze on the \$3.90.

So over the years the percentage of dues going to the International union has actually decreased. If you pay \$30 dues, only about 13% of your dues go to the International.

If your union deals with mom & pop employers, this might do the job. If you don't want to pay decent strike benefits, this might do the job. If your leaders are not launching any organizing drives, or solidarity campaigns, it might do the job. This is exactly how we have been getting by in our union.

To move our union forward, we will have to deal with the legacy of our past.

FREIGHT NEWS

'Tell Your Union,' Says Management

CF Targets Road Jobs, 'Flexibility'

This is the second in a series of articles examining CF's corporate mission as it attacks our Teamsters union on many fronts. The following article focuses on recent "dog & pony shows" by corporate executives. The series is intended to begin a discussion on building the Teamsters' mission in the freight industry, just one year from the next NMFA negotiations.

"The Con-Ways are the biggest success story in the history of trucking ... the reason is flexibility. It's up to you people, if you want your union to give us that flexibility, then tell your union that."

Comments like these seem frank and honest coming from Tom Paulson, the Western area VP of Consolidated Freightways, speaking directly to groups of Teamsters assembled at big terminals in the West. As part of the new "open" management style of major corporations, CF is letting at least some of its contract goals hang out.

It's frightening. The buzzword is "flexibility" and the number one target is the Teamster road driver. The stated goal is to get rid of 2,000 road drivers, or 40% of CF's 5,000 line drivers, out of 20,000 total Teamsters.

Never mind that we have given up plenty of "flexibility," and with it years of union improvements and thousands of Teamster jobs. At the Portland consolidation dock, for ex-

ample, dock workers report there are 22 Teamsters on layoff, who are worked as casuals. Those who don't answer the phone find their unemployment under attack. That's 30% on call, lots of flexibility.

We've given them flex work weeks, sleeper teams, casualization, and lots more. As we give, the corporations naturally want more. They tell you straight out that the model is Con-Way, and what is Con-Way: non-union, that's what it is.

Paulson states that the employers' group TMI (Trucking Management Inc.) "torpedoed" CF in the 1991 contract, agreeing to the union demand to ban the use of owner-operators for so-called overflow freight. CF was the heavy abuser in this department. He particularly blames Roadway and Carolina for agreeing to the union demand. He notes that Roadway does more rail, and Carolina rails all its transcontinental freight.

So now he says line-haul costs need to be cut drastically, and the answer is rail. "You will not see a driver getting in a truck and moving freight 2,000 to 3,000 miles in the future," he boldly tells the Teamster assemblies. Changes of operations will continue to shift to more sleeper operations, with the next sleeper lane opening between Seattle and Chicago. But rail is the big stick in slashing 2,000 Teamster jobs.

Meet Mr. Nice Guy

Paulson states that CF does not intend to lay off those drivers, but wants to find ways to phase them out. Early retirement bonuses and systemwide seniority to allow transfers are cited as possible ideas under consideration. Paulson and other top executives who are out seeding the soil for the upcoming contract make a point of saying CF's employees are second to none, and they admit that management has made mistakes (in the past!).

But they are firm. Profits must increase to \$100 million a year. In recessionary 1992, CF profits were \$20 million and would have been \$40 million if not for a one-time adjustment. Jobs must be cut.

Con-Ways the Model

The Con-Ways are the model. The management reports say the difference between CF and Con-Way is flexibility, and flexibility is what the corporation wants in the next contract. And road drivers are not the only ones in the barrel. Sunday work should not be premium paid. Shop work should be subcontracted out where the company desires. Classification of work for city and dock workers should be ended (Los Angeles Teamsters take note: you are targeted specifically here).

At the same time, Paulson says, "Do

not be fixated on the Con-Ways. Roadway has Central Freight Lines, Spartan and Viking. Yellow just bought Preston, and it was to get Saia, a non-union operation in the Southeast. So if Con-Way wasn't getting the freight, they would be."

Contract Ahead

The management game plan involves carrots and sticks. For one carrot, CF is going to set up a 401(k) plan, not by negotiating with our union, but by instituting it this year. A lot of members would like such a savings option, which costs the employer nothing except a small administration cost. It's already in the UPS contract and very likely will be in the NMFA next time. So why not give it early, CF management figures.

They come right out, long before the contract, and let you "in" on management's frustrations. Through their EXCEL programs, they draw some Teamsters in further, to really see management's interests, so we can start to think like management. So we can "tell the union" we want to give "flexibility."

CF is not alone in targeting the elimination of road jobs, through massive rail. We can either give it up, or stand together and win some uniform protections so the employees of one carrier aren't played against another.

JC 43 Tries to Give Away Conditions

Michigan Freight Teamsters Fight Sellout

Larry Brennan, the president of Michigan Joint Council 43, is trying to give away the conditions of freight Teamsters in that state. Nearly two years after the NMFA was signed in 1991, the JC 43 leadership have decided to give away parts of the contract, and without a vote.

Members and the leadership of two locals are fighting back, demanding a vote, and intending to get it. They have asked Ron Carey to intervene to protect membership rights.

Detroit Local 299 President Ron Owens has written to Carey requesting action, and Local 299 is circulating a membership petition to get backing. Lansing Local 580's leadership has taken a similar strong stand. And TDU members are considering a lawsuit, if needed, to enforce the members' right to vote on midterm contract givebacks.

Michigan Teamsters, like some other areas, have a rider to the NMFA that protects certain conditions. It is these that are under attack. The deal signed with the employers gives away premium pay for Sunday evening work after 10 p.m., which contradicts Ar-

ticle 61, sections 1 and 3 of the contract (Central States Local Cartage Supplement to the NMFA). And the deal would allow staggered starting times, and gives away a 6-cent per hour premium for pulling doubles in the city.

In return, the JC 43 leaders got exactly zero from the employers. The only changes are givebacks. They admit that they told the employers not to worry, there will be no ratification vote of the members! The JC 43 leaders have submitted the deal to the Central Conference leadership for approval, and this old guard club headed by Jack Yager will happily bless any concessions.

Brennan refers to the givebacks as just a few little past practices, nothing to worry about. But one of the main ways we have lost ground in the contract in the past decade has been by giving away our better conditions.

If the members get a vote, the deal will very likely go down. Members are entitled, under Article 12 of our IBT Constitution, to a vote on mid-contract changes, and also on all supplements and riders to master contracts.

Freight Lines

Preston's Full-Court Press.

Ever since Yellow Freight purchased Preston, the new management has engaged in a propaganda campaign to convince the Preston rank and file how dire their company's financial straights are. They began by contracting with polling firm Berrier Associates to telephone their employees at home. The questions start out innocently enough, "How do you like the company you work for?" and move on swiftly to what they really want to know. "Would you be willing to take a wage freeze, or wage cuts, to keep your company in business?"

The polling was quickly followed by a letter and videotape designed to scare people about the security of their jobs. The company identifies "Preston's wage and benefit costs as a percentage of revenue" as a prime culprit putting the company at a competitive disadvantage. This propaganda blitz, coupled with management discontinuing to carry discounted freight and causing systemwide layoffs is designed to soften up the rank and file for concessions.

Preston (Yellow) promises "consistent communication" through more letters and videotapes about the carrier's financial performance. Can an Article 6, 15% "profit-sharing" deal be too far off in the future?

Hours of Service Regs Still Vulnerable.

Although the DOT has officially withdrawn the proposed 24-hour rule, continued attempts to deregulate the hours-of-service regulations seem likely. The Federal Highway Administration (FHWA) plans to reconsider changes to the hours of service once it gets the results from driver-fatigue studies currently being undertaken.

The Ontario Trucking Association, a Canadian employers group, has launched a campaign for a "36-hour reset rule" in Canada. Current Canadian hours-of-service rules allow 13 hours of driving in a 15-hour shift with an on-duty time limit of 60 hours in seven days or 70 hours in eight days.

Members Debate Northwest Transport Proposal

The proposed experimental regional rider at Northwest Transport is going to the 3,000 NWT Teamsters for a vote, amid debate on its merits. The debate has been clouded by a political campaign of lies by the old guard, but members should seriously look at the pros and cons of the proposal as they vote. The ballots are due back in early March.

NWT is a successful long-haul carrier based in Denver that pays the full NMFA rate. It ships freight into certain areas by interlining with other carriers. For example, in New England much of its freight is delivered by St. Johnsbury, an NMFA carrier.

In the Southern Conference, much of NWT's freight is delivered by Central Freight Lines, a non-union carrier in Texas that Roadway recently purchased. NWT has agreed to invest in a regional network of terminals in the South, under the NMFA, with the experimental regional agreement.

The NWT Proposal

The proposal provides for a percentage of the lower seniority employees to get 85% of scale in the Southern Conference (after 18 months at 80%). That percentage would be based on the percentage of regional freight (shipper and consignee both in the southern states) captured by NWT. Teamsters would move up to 100% by any one of four methods, but a bottom group would be at 85% if NWT is successful in building a unionized regional network. All current employees and all road operations into and out of the conference would remain at full NMFA wages. All employees would receive full NMFA benefits.

If the experimental agreement works, it could be a wedge against the Big Three carriers, who all now operate extensive non-union regional

A Look Back at Yellow's Offer

When Yellow Freight refused to negotiate and walked out of negotiations for a regional rider early last year, the IBT sent bulletins to all Yellow Freight Teamsters to inform them of those developments. Now some Teamster officials opposed to the experimental regional agreement with Northwest Transport seem to have a distorted memory of what Yellow's proposal contained.

Summary of Yellow's Demands:

- End-of-the-line flexibility. Road drivers would be forced to work the dock the last two hours of shift.
- Four-hour casuals at end-of-line terminals or as supplementals on swing shifts.
- 70%-80%-90% wage progression for all new employees.
- Yellow would not recognize the seniority of fellow Teamsters if it took over operations of a defunct NMFA signatory carrier.

Yellow did not try to negotiate a regional rider; it wanted to force concessions on the entire Yellow Freight NMFA.

subsidiaries in the South.

Opposition in the Ranks

Many NWT Teamsters have told us they support the effort because of the aspect of taking on the Big Three's non-union operations, and because it

is an experimental proposal that can be canceled by the union. Others have expressed opposition, based on a dislike for any deviations from the NMFA. Some have said it may signal too much union willingness to compromise, with NMFA negotiations

coming up.

The debate is important, and in fact all freight Teamsters should be involved in discussion over our options in taking on the non-union threat. We all agree on a priority on organizing, yet know that is a long-term project.



TRANSPORT SERVICE, INC.

General Office 5801 Holly Street • P.O. Box 8001 • Commerce City, Colorado 80027-8001 • (303) 389-3511

May 16, 1991

Mr. George Rohrer
Director of Freight
Western Conference of Teamsters
1150 Bayhill Drive
Suite 101
San Bruno, CA 94066

Dear George:

Enclosed are the seven signed copies of our Interim Agreement which you wanted returned to you. As you recommended to Jerry, we are holding off on doing anything with the Regional concept until after the convention.

We really appreciate your help and consideration in getting this accomplished and look forward to increased business for our company and increased Teamster membership.

Yours truly,

NORTHWEST TRANSPORT SERVICE, INC.

Wayne Follick
Wayne Follick
Senior Vice President

National Freight Industry Negotiating Committee



April 15, 1991

Mr. George Rohrer
Director of Freight
Western Conference of Teamsters
1150 Bayhill Drive
Suite 101
San Bruno, CA 94066

Re: Interim Agreement for
Northwest Transport

Dear George:

Enclosed find an Interim Agreement to be used for Northwest Transport. You will see that it includes the "enabling language" in Article 2, Section 5(b) of the NMFA. As you can see, the enclosed Interim Agreement to be used for other independent companies does not contain the enabling language.

Fraternally yours,

R.V. Durham
R.V. Durham, Co-Chairman
Teamsters National Freight
Industry Negotiating Committee

Durham's Campaign of Lies About Northwest Deal

Above are two letters from April-May, 1991, proving that R.V. Durham negotiated in Article 2, Section 5(b) a proposed regional deal with Northwest Transport. Also note that the plan was to "hold off until after the (IBT) convention," and presumably till after the election, which Durham expected to win.

As part of his stepped up campaign against Teamster reform and Ron Carey, Durham on Jan. 22 published a letter in which he denied making any such deal, even claiming no such article exists! (R.V., did someone forge your signature?) He went on to claim that the concessions rejected by Carey at Yellow Freight were just fine, and should be accepted. We see what would have happened had he won the

IBT election.

These concessions would have covered every single Yellow employee, when in fact the great majority of Yellow's employees would be handling long-haul, not regional, freight. And they would have given up decades of unionism in work rules.

Durham has the nerve to go on to say the experimental agreement with NWT is worse than the proposed deal with Yellow, although it clearly separates long-haul from regional freight, provides more protection for the union, and can be canceled by the union at any time with a 12-week notice.

T.C. Stone Joins Durham

A number of other old guard offi-

cials have joined Durham in this hypocrisy. John Neal of Indianapolis, T.C. Stone of Dallas and other concession specialists are attacking Carey over Northwest. The truth means little to this crowd.

Consider a letter put out by Preston Ketchum of San Antonio, Texas, Local 657, who is an ally of Stone. Ketchum's lies include that "anyone hired in the Southern states after it goes into effect will never achieve any higher than an 85% rate," and that Carey advocates different pay rates for different areas of the country.

Ketchum openly campaigned for the national concessions that Yellow demanded last year, at the same time a company-sponsored petition was being circulated.

UNITED PARCEL SERVICE

Baltimore Local 355

Quad Avenue UPSers Organize 'Action Units'

Keith Biddle
Local 355 steward
Baltimore

With the UPS contract negotiations rapidly approaching, I felt that it would be appropriate to share the contract organizing strategy that we are beginning to implement at the Quad Avenue building.

Quad Ave is located just northeast of the Baltimore city line. There are 82 full-time workers, and an equal number of part-timers. We are members of Local 355. The 1990 contract was turned down by 62% of the workers in our local. We were very late in organizing for that contract, and that mistake will not be repeated!

Organizing Action Units

As senior full-time steward at Quad, I have been able to collect the phone numbers of virtually every worker at the building. In order to create an information network, I selected every

fifth or sixth person on the seniority lists and assigned them the phone numbers of the people directly below them. This will accomplish two important objectives:

1. The creation of "action units" that will be asked to work together in the event of a sanctioned work stoppage or other job action.

2. When information is issued from the International, TDU, or the local, I will only have to contact the group leaders to get the word out. We all know what happens when the members are not informed. The company steps in with its "spin" on what is happening at the negotiations.

On Feb. 15 we held a rally in the morning outside the building. Turnout was very good, and quite a few part-timers came over to see what was going on. This provided an excellent opportunity to distribute TDU's Contract Bulletin #2, the special part-timer issue! At this rally, I announced

the start of a canned food drive, to be run at least through the ratification process. Hopefully we will be able to make this a year-round activity. The proceeds from this drive will be distributed regularly to local churches and food pantries in the name of the UPS workers at Quad. We hope that this will strengthen the already strong ties that UPS drivers have with the community. In the event of a job action, this should help to get our message out that our cause is just.

What You Can Do

Obviously, if things don't go well at the negotiations other tactics will be necessary. Remember ... the best way to win at the table and avoid a strike is

to be well prepared and show your unity and strength early. Distribute *Convoy Dispatch* and contract bulletins, build a telephone network, hold rallies and food drives. Make positive links with your communities. Most importantly—START NOW!

Help Distribute UPS Contract Bulletins

TDU will be producing bulletins throughout the contract campaign. If you want to receive a bundle, contact the TDU office at P.O. Box 10128, Detroit, Mich. 48210 or call (313) 842-2600.

Win Fair Contract, Stop the Abuse

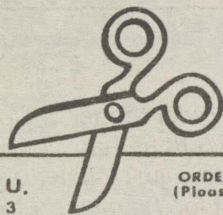
Dale D. Ford
Local 688 steward
Rolla, Mo.

The voices are being heard throughout our union, the membership is sounding off about more security, H&W improvements, the out-dated grievance procedure, and abuse. Harassment by UPS is becoming more prevalent and stress is a daily reality that we have to try and cope with. This year we have a very good opportunity to make improvements in our contract, but we need to combine our efforts and unify to achieve our objectives.

The need for grievance reform is clear, and the discrimination and harassment of stewards is obvious. If this is not changed, we all shall suffer in the end. Our families have sensed

the stress placed upon us through unfair production standards, threats, demeaning remarks. This type of work environment has significant, negative results upon our family life. Can we allow this to continue? The answer is NO.

UPS needs to realize that we are going to stand together as employees, part-time and full-time, to negotiate a fair contract, one that we can be proud of. Let the voices of the New Teamsters be heard more than ever before. Strengthen your shops, encourage participation, and let's begin to rebuild OUR UNION.



1993 Contract

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UNITED PARCEL SERVICE

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UPS & Downs

Delivering Our Future II.

UPS is planning to unleash its second propaganda blitz. The goals will be to lower the rank and file's expectations for a fair contract and to try to divide and conquer us. "Delivering Our Future Phase II," as it will be called, may start as soon as the end of February in some areas. UPS showed in Phase I that it is willing to spare no expense. Local unions and rank and file members should take a lesson from Baltimore members (see story this page) and get organized. If you want Carey and Perrucci to succeed, we're going to have to match UPS by communicating the union's viewpoint one-on-one to our brothers and sisters.

Locals in Nor Cal Rider Vote to Bargain Own Supplement.

Local unions signatory to the Northern California Package Rider (joint councils 7 and 38) met on Jan. 22 and voted unanimously to withdraw from the Western Conference Supplement and bargain their own Northern California Supplement. Under Article 12 of the IBT Constitution, a six-month notice of such withdrawal is required, along with a showing of "good cause." The move would ultimately have to be approved by the General Executive Board. The Nor Cal rider contains some of the best conditions in the entire UPS system, such as an innocent-till-proven-guilty grievance procedure and more time-off provisions.

Arbitrator: 'Carelessness' Is Not 'Recklessness.'

L.A. Local 63 won an arbitrator's decision in January on a discharge case involving a ramp employee at the Ontario Hub. The decision supported Local 63's argument that "carelessness" and not "recklessness" was involved, and therefore UPS was bound to use progressive discipline and not move immediately to discharge under the so-called "cardinal sin" discharge language.

Three ramp employees had disconnected a tail strut from a 747 jet and hitched it to a tug to move it to a storage space. The grievant took the wheel of the tug and while driving around the right wing was engaged in conversation with another employee in the passenger seat. In the process, the strut clipped the right wing's antenna, which protruded straight back from the wing, causing what UPS alleged was \$99,000 in "damages, repairs, replacement aircraft, and down time."

The grievant was fired for "gross recklessness resulting in a serious accident while on duty on June 17." The union argued that the dictionary definition of recklessness requires a showing of some intent, but this accident was principally caused by carelessness; that there was disparate treatment, as other such accidents had not led to immediate discharge and the passenger in the tug who was talking with the grievant was not disciplined; and that management's lack of training and supervision of ramp employees was partially to blame.

The arbitrator agreed with all of the union's arguments except on the level of discipline, allowing a five-day suspension ("in view of the gravity of the loss to the Company") with back pay and reinstatement, instead of the warning letter asked for by the union.

Unpaid Work 'Willfully and With Intent' Deprives UPSers of Wages

Lawsuit Challenges the Tightest Ship

A lawsuit filed against UPS in Washington state seeks compensation for unpaid work time and exposes the callous policies of the Tightest Ship in the Shipping Business.

The suit alleges: "UPS has unlawfully failed to pay wages for time worked 'off the clock.' UPS has not paid wages for time worked before and after the official hours of work. UPS has wrongfully excluded from hours worked 'one hour lunch breaks,' which were not taken by the employees. Most of the 'off-the-clock' work was overtime work in excess of 40 hours per week and to be paid at time and one-half of the employee's regular hourly rate. The practices complained of herein exist throughout Washington state."

... And California, and Texas, and Kansas, and Alabama, and New Jer-

sey, etc.

Personette et. al. vs. UPS, filed in the Superior Court of Washington state in November 1990, also reveals UPSers' ongoing struggles to survive in a workplace that harasses them to meet unrealistic production standards and encourages them to work off-the-clock to get the job done (see related article this page).

Of course, this is a David vs. Goliath lawsuit that may yet be dismissed by the court or, even after victory, overturned on appeal. But its boldness is worthy of respect. Oral arguments are scheduled for early March. The suit was filed as a class action on behalf of full-time package car drivers in Washington state "within three years prior to the commencement of this action."

The suit states, in part: "Defendant

UPS has adopted practices designed to increase the productivity of its package truck drivers, but which result in unpaid overtime work. For example, it uses 'time studies' to set unrealistic time estimates for performance by drivers throughout Washington state. UPS uses these time estimates to harass and coerce workers to engage in unpaid 'off-the-clock' work. ...

"UPS expects, coerces and intimidates its package truck drivers to perform work before their scheduled starting time. ...

"UPS has required plaintiffs and other package truck drivers to deduct on their time cards one hour per day as an uncompensated 'lunch hour.' Defendant UPS, however, has actual and constructive knowledge that the named plaintiffs and other package truck drivers regularly do not take a bona fide one-hour lunch break. ...

"Plaintiffs ... and other UPS package truck drivers regularly perform or have performed off-the-clock work without pay at the end of the work day. ...

"Defendant UPS has actual and constructive knowledge of and expects, coerces and intimidates its drivers throughout Washington to perform the uncompensated off-the-clock work described. ...

"Most of the off-the-clock work performed by plaintiffs was overtime, i.e., work in excess of 40 hours per week. On information and belief, this practice is ongoing and exists throughout Washington state."

The suit goes on to allege that "UPS has failed to keep true and accurate records of time worked and has falsified time worked records," that UPS has failed to pay overtime at not less than time and one-half in excess of 40 hours per week, and that it has done so "willfully and with intent to deprive" employees of wages, all in violation of state wage and hour laws.

The suit seeks compensatory damages, exemplary damages of twice the amount of compensatory damages, injunctive relief, attorneys fees and court costs.

UPS's arguments against the suit include: (1) that it is covered under the Federal Motor Carrier Act and therefore exempt from state overtime provisions; (2) that off-the-clock work performed before and after work are so-called "de minimis" and thus excluded from time worked; and (3) that it cannot be held liable for work performed during meal periods.

'It Appeared Policies Set Nationally'

Ex-Manager on Productivity, Sanctioning of Off-Clock Work

Can tens of thousands of UPSers in 50 states be wrong? The union's survey of the membership showed that 83% of full-timers believe that management harasses, coerces and utilizes unrealistic methods in their efforts to increase productivity.

Now imagine if there were a former manager who had become so troubled by corporate policy that he quit UPS and later provided testimony to corroborate the employees' claims? Well, such a man exists and he provided a declaration on behalf of the plaintiffs in *Personette et. al. vs. UPS*. He's now a high school teacher and football coach in the Midwest. Although the documents in the *Personette* case are publicly available, we've agreed to give him a fictional name, "Joe."

Joe was first employed by UPS in 1978 as a package car driver. He became a supervisor in 1983 and was promoted to center manager in 1986. At the time he voluntarily resigned in 1989, he was an acting division manager. We'll let Joe tell his story through excerpts from his 11-page declaration made to the Superior Court of Washington state in 1991.

"Almost every day, I would get a call in the morning from the division manager. ... Division managers will want to know what is being done to improve the statistics of particular drivers. ... That pressure, in turn, was transferred ... to the package car drivers. ...

"Since ... 1978, there have been a number of important factors that, in my opinion, have made the time allowances leaner and have generally made package car driving more difficult. ... The preload is a very important factor ... the huge increase in the next-day air business (with its deadlines). ... Driver release policy ... resulted in additional stops being added to the driver's day. ...

"During my years in management-level positions, off-the-clock work

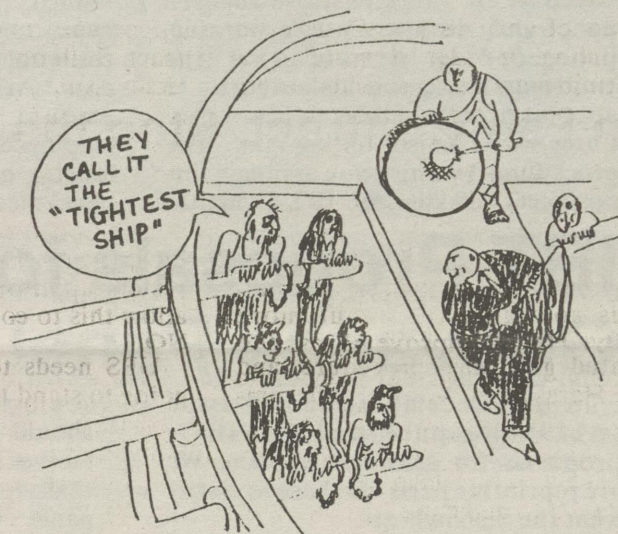
before the start of a shift was very common in each of the centers that I worked at. ... The supervisors and center managers knew that many drivers were doing this. ... During the years that I was employed by UPS, package car drivers regularly and substantially worked off the clock by not taking their full one hour uncompensated lunch and their full compensated break. ... The incentive ("bonus") program also encourages off-the-clock work. ... In my experience, UPS never did anything to discourage off-the-clock work during lunch or break time. ...

"During my years in management positions, I regularly witnessed off-the-clock work at the end of the day. ... In my opinion, it would be impossible for a managerial employee to be exposed to these different work experiences and not be aware of the substantial off-the-clock work engaged in by UPS package car drivers. ...

"As discussed above, center managers and supervisors are under almost daily pressure from division managers to increase driver productivity. ... A supervisor or center manager in some cases will, in effect, threaten a package car driver with a supervised ride. ...

"As a center manager and acting division manager, it appeared to me that much of the policies and practices were set nationally. ... I believe that UPS was not treating many of their supervisors and package car drivers fairly or with dignity. ... UPS in many instances instills fear in its package car drivers as a way of encouraging greater productivity and compliance with policy. ...

"I believe that many UPS employees are intimidated and would not visibly oppose UPS management for fear of retaliation by UPS. These UPS management practices played a large part in my decision to voluntarily quit in December of 1989."



Isn't It Time?

You're a regular reader of *Convoy Dispatch*. TDU's been with you through the IBT elections and your contract campaigns, a source of news and support. Now isn't it time to support the organization that's supporting you in the fight for Teamster reform?

JOIN TDU

TDU MEMBERSHIP APPLICATION

Name _____ Local # _____

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City _____ State _____ Zip _____

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☐ City ☐ Road ☐ Dock ☐ Clerical ☐ Warehouse ☐ Construction ☐ Production
☐ Other _____ Optional: Spouse's name _____

☐ \$35 one-year's membership & subscription to *Convoy Dispatch*.

☐ \$85 three-year membership fee. (\$10 shall be rebated to the local chapter.)

☐ \$20 for spouses, retirees and Teamsters who gross less than \$17,000 a year.

☐ Check or money order

☐ Mastercard/Visa # _____ Exp. date ____/____/____

Date _____ Signature _____

Return to: TDU, P.O. Box 10128, Detroit, Mich. 48210

TDU membership is kept confidential from employers and union officials.

TDU solicits and accepts membership applications and donations only from Teamsters, and from individual retired Teamsters and spouses who are not employers.

CARHAUL NEWS

Details of Grievance Reform Fight

Efforts by employers and some Teamster officials to block grievance panel reform have created the most open conflict so far between the old guard and New Teamster leadership.

In early January, Brendan Kaiser and Charlie Thompson (CCT and SCT carhaul directors appointed by Jack Yager and Jerry Cook) sent a joint letter to all Central and Southern conference carhaul locals calling a meeting to challenge the IBT's right to appoint the union co-chairs to the Central-Southern grievance panels. President Ron Carey, aware of what was afoot, immediately wrote them stating that "you have no authority to establish or amend the Rules of Procedure for the Central-Southern Joint Arbitration Committee."

At that meeting on Jan. 25, which supporters of the International boycotted, Kaiser was "elected" union co-chair of the Central-Southern panel and, despite Carey's warning, proceeded to demand that the employers recognize his authority to appoint panel members to hear cases. Carey wrote Kaiser telling him, "The procedures by which you assumed this position ... violate the IBT Constitu-

tion and the NMATA." At the same time, Carey wrote to the employer grievance co-chair demanding that they recognize the IBT's appointees, and stated, "Brendan Kaiser has no authority to serve as the Chairman of this Committee."

Panels Paralyzed

The corporations took full advantage of the union's internal disarray. Despite Carey's letter, the carhaul employers refused to recognize either Kaiser or the International's reps. As a result, the grievance panels were paralyzed. Only a few discharge and liability cases were heard out of a 15-page docket by a panel composed of union BAs deemed to be neutral in the dispute. Most BAs, shop stewards and rank and filers left disgusted, without having their grievances heard.

Said one carhaul steward who attended: "I drove approximately 900 miles only to be told that my grievances would not be heard. I lost three days work and spent a considerable amount of money that my fellow employees put up for my travel and lodging expenses. By disrupting this panel meeting in an attempt to under-

mine the authority of the president of the IBT, I feel that Kaiser and his cronies cast the Teamsters in a bad light before the employers."

Old Guard Files Suit

Continuing their attack, the Central and Southern conferences filed a lawsuit on Feb. 8 demanding that the carhaul employers recognize Local 579 principal officer Kaiser as co-chair of the Central-Southern grievance panel, and to block further negotiations between the International and the corporations over the IBT's right to appoint to the Central-Southern panel. Meanwhile, the corporations, led by Ryder Systems, are refusing to recognize the IBT's appointment of Charlie Lee (Detroit Local 299) and Bob Cummins (Tampa Local 79) as grievance panel co-chairs, allegedly waiting for the union to resolve its internal dispute. Ryder delivered a letter (also dated Feb. 8) to all its Teamster employees defending its actions.

The IBT is responding with legal action of its own. It has demanded that

the corporations recognize Lee and Cummins, and has appealed to the carhaul membership for support. The International sent a carhaul bulletin to members explaining the situation, and is asking them to return a postcard demonstrating their support for the International's grievance reform program. Lee and Cummins also have filed internal union charges against Kaiser.

In his bulletin, Carey refers to positive proposals the International has made to the carhaul corporations for grievance panel reform (see story this page). He reports some progress. However, the corporations are still stonewalling, such as refusing to allow union stewards to observe any grievance hearings they want, even though management personnel can. The worst thing is that, while Carey is bargaining for grievance reform, old guard union officials are attacking him from the rear. The next Central-Southern panel hearings are set to begin on April 5 in Detroit. The dispute will have to be resolved by then.

IBT Proposals for Grievance Panel Reform

In our December-January issue (#119), we published the IBT's proposals for grievance reform. We are reprinting parts of it here to clarify what the demands are.

Changes to grievance panel rules of procedure must be negotiated with the employers involved, and cannot simply be enacted by the union. Therefore, the union's proposals only represent its initial position, and must undergo the negotiating process. The employers also will have their proposals.

Chief among the union's proposals:

- Requiring a tape recording to be made of all proceedings, and giving members the right to receive a transcript of their hearing upon payment of a reasonable fee.
- Requiring panels to issue decisions (instead of just saying "grievance denied"), at least in disciplinary and

War Breaks Out

continued from page 1

paign pledge to reform the grievance process. He's not going to back down now."

The dispute is not just between Carey and the old guard. It's about the direction of our union. For a year, the old guard forces have fought Carey and tried to get him to water down his reform program. Now Carey has taken an important step to cut through the blockade. Rank and file Teamsters who want to reform our kangaroo grievance panels and push reforms forward in our union should be central to the battle.

seniority cases. The decisions should include, at a minimum, the facts of the case, the alleged contractual violation, and the basis of the panel's decision.

- Allowing shop stewards to attend all panel hearings, including those in which they are not directly involved.
- Requiring that the rules of procedure be posted outside of the committee hearing rooms.
- Giving the grievant the right to attend his/her hearing.
- Requiring that a union secretary, in addition to an employer secretary, co-administer each panel.

The union is further proposing that the IBT have the authority to appoint the chairpersons of all area conference, state and city level panels. In addition, the union is arguing that the rules of procedure negotiated at the national level apply to all lower level panels as well. The union is developing a set of standards for union panel members sitting on all panels.

Some of these proposed changes have been adopted. The employers have agreed to the right of members to a tape recording of grievance hearings, and to a written explanation for a decision. For instance, the docket of the National Joint Arbitration Committee for November 1992 includes greater explanations of the cases and their merits.

However, as reported in this issue, the IBT is encountering resistance from old guard Teamsters as well as the corporations as it tries to achieve even further grievance reform.

High Stakes Argument Over 'Local Autonomy'

The old guard's strongest argument against the IBT is that grievance panels are most effective when the union panel members are appointed by the local unions directly affected by the grievances filed. Minnesota Joint Council 32 passed a motion condemning the International's efforts, pointing

out that historically the locals have appointed the members to the union side of the grievance panels. The motion states that "this procedure has worked well over many years in that it has made sure that grievances are heard promptly and economically before panels that included union representatives who, because they are appointed by and are accountable to local interests, are responsive and knowledgeable about the interests of their members."

Rank and file carhaulers know that the panels haven't worked well in years, grievances are not resolved promptly, and union reps are not "accountable" and "responsive" to the members. In fact, with the right to vote for International officers, appointments by the IBT are more accountable to the rank and file, since they are subject to re-election every five years. Rank and file Teamsters get no vote over who serves as conference chairmen (such as Jack Yager and Jerry Cook), but it is they who want to appoint the Central-Southern union panel members.

Rank and file Teamsters have a great stake in seeing the International prevail in this conflict so it can continue to pressure the corporations for grievance reform. Once the International wins the internal union dispute, it simultaneously has to widen the

scope of its actions to rebuild rank and file confidence in the grievance panels. Appointing rank and file Teamsters, along with experienced officers, would be one important step in that direction. It was done at the UPS National Committee, and it should be done in carhaul.

But even if the IBT wins this fight and appoints good grievance panel members, that will not solve everything. Contract enforcement starts at the shop floor, with trained and active stewards and rank and file leaders. Rebuilding the union's strength has to reach down past the grievance panels and into the worksites. Even a good panel can only do its job if cases are well documented, intelligently presented and backed up with strong contract language. The corporations send their reps into grievance hearings well prepared. Our union must do the same.

Mail in Those Postcards!

Ronnie Greene
Local 512, CCI
Jacksonville, Fla.

"We voted for Ron Carey in 1991. One of the big reasons was because we wanted grievance reform. It also was one of the big issues in our last contract negotiations. But the conferences, old guard officers and employers want to stick with the same old, same old. Carhaulers have to support Carey by mailing in the postcards right away."

GROCERY, LOCAL NEWS

Northern California

Grocery Rank and File on Move

Bob Mattingly
Local 896, retired
Oakland, Calif.

Hundreds of irate Bay Area rank and file grocery Teamsters are mobilizing to defend themselves and turn their lousy situation around. Warehouse workers and drivers organized a successful plantwide meeting to put together a solidarity network and newsletter. Still others are meeting weekly and have raised a \$4,000 defense fund. Three separate petitions and individual letters containing pleas for help are being sent to President Ron Carey.

This is going on because members were led to expect that the negotiated arbitration process would protect them from major benefit concessions and on-the-job harassment and speedup. Those false expectations must have seemed reasonable at the April ratification meeting when they

were told by officials, "We've beat ... a major corporation (Safeway/SDMI). This is the best labor victory in 10 years!"

Now officials are saying that the arbitrator "sucker-punched" them, and the results are an "abortion." So there will be no relief for members who are struggling to meet production standards that demand more and more from their muscles and nervous systems.

At the same time, a workers' retreat to an extra day of rest is cut off by the termination provision in the harsh, so-called "no-fault" absentee policy, which does not excuse paid sick leave. Not surprisingly, falsification of sick leave claims is cause for termination.

A growing split between officials and grocery members is reflected in the *Northern California Teamster* newspaper's headline, "Arbitrator's ruling doesn't detract from SDMI victory, Teamsters say." That's because

the "... workers have union protection for their jobs, grievance procedures to handle complaints, better wages and benefits than non-union workers plus the prospect of improving their working conditions through negotiations ..." after the agreement expires Sept. 27, 1997(!).

But the members say that having a job and having job security are two different things. Nearly half of new hires don't make the cut, while experienced order-selectors and forklift drivers are racing and struggling to meet the quotas or lose the jobs that the grievance system can't protect. Five years to wait for new negotiations seems like forever.

Teamster officials proclaimed a victory when they reached an agreement that averted a major confrontation with Safeway last year over who would staff the new Tracy warehouse. Being experienced negotiators, they had to know they were not stabilizing collective bargaining by putting Safeway/SDMI Teamsters into labor-market competition with other grocery Teamsters.

Since then, Lucky Stores successfully demanded concessions worth millions to Teamster Local 490 workers. Teamster Local 150 lost 278 Sacramento jobs to the Tracy distribution center. Local 287 officials say their relations with Fleming Foods will be adversely affected, too. There's speculation that Southern California's grocery chains have been

handed added incentive to demand relief as a condition for not moving operations to Tijuana after President Clinton signs the free trade agreement with Mexico.

Joint Council 7 President Chuck Mack says that SDMI drivers will no longer be paid by the hour, which "... will also further destabilize collective bargaining within the chain store industry. We can expect other grocery firms to be demanding this same form of driver pay."

Months after grocery members voted to accept transfer to the new Tracy distribution center with all outstanding issues to be arbitrated, they learned that the form of arbitration was the "winner take all" type used to resolve high salary baseball disputes.

A close reading of the ratification document turned up no mention of this unique form of high risk arbitration. Mack told the Nor/Cal Teamster, "We knew the dangers associated with this settlement. ..." But at the ratification meeting he told members that while there would be pain associated with the settlement, he believed the outcome would be a decent contract.

Why the dangers associated with "baseball" arbitration were neither mentioned nor explained has not been told to the members. Clearly the members deserved the right to a fully informed vote. No wonder Tracy workers are now looking to themselves to see that their dismal history is not repeated.

Minnesota Conference Exposes Team Concept

Corporations call it "employee involvement," "quality of work life," "team concept," and dozens of other names. Whatever it's called, Minnesota trade unionists are highly suspicious of it, as a large rank-and-file labor conference held in January in St. Paul, Minn., decisively indicated.

Nearly 400 people, most of them labor union members, jammed the day-long conference at Macalester College, where speakers and participants spelled out the ways corporations use the programs to extract concessions and bust union conditions. The message from the conference: Bosses are using these programs to cut jobs, speed up the work, get union members to turn each other in, while making workers think the boss is a "nice guy."

Some 41 Teamsters attended, including International VP Bill Urman, who gave one of the keynote addresses and identified these programs as "a threat to the collective bargaining process itself."

Peter Rachleff, professor of labor history at Macalester College and a long-time friend of labor activists and TDU, chaired the organizing committee for the conference. "I've found, in my experience, many labor-management programs to be better or not-so-well-disguised efforts to make unions weak, promote competition of worker against worker, and serve as alternate channels to solve problems, rather than unions," he said.

Other guest speakers included Jane Slaughter of Labor Notes, who outlined how companies draw workers into the programs, then squeeze them to make proposals to eliminate jobs.



Members of the Minnesota TDU chapter, including Rick Sather (above), Gillian Furst, Robin Kohl and Doug McGilp, helped organize the conference.

Ben Watanabe, the former president of the South Tokyo local of the National General Workers Union, described how Japanese companies have been using the programs for years to break unions and undermine labor conditions. At a dinner held at UAW Local 879, Jerry Tucker, head of New Directions, the rank-and-file Auto Workers organization, explained how corporations are using such programs as part of a worldwide strategy. The need, he said, is for workers in the United States and other countries to link up. Unions, he said, have to become international.

The conference, "Meeting the Challenge," was sponsored by a coalition of unions, labor bodies, and rank and file organizations, including the Minnesota TDU chapter, which actively worked to build it. Participants came from 39 unions, with especially big turnouts from the Teamsters, UAW, AFSCME, Machinists, APWU, OCAW and Mailhandlers.

N.Y. Local 138

Union Solidarity at Key Foods Works!

With the disaster of the White Rose strike hanging over their heads, and despite the fact that the parity of Local 138 grocery contracts had already been broken, Key Foods Teamsters beat the odds and won a four-year agreement with Key Food Stores in Brooklyn, N.Y.

"This contract was won by the rank and file," said steward Ed Santarelli. "It was their show of union solidarity prior to and throughout negotiations that did it. We organized ourselves, reached out to our communities and labor, marched and rallied. It showed

the company that we were together. I can only imagine how it would have turned out if we hadn't prepared."

Terms of the agreement approved by the membership include a roughly 7% wage increase over four years, pension increases in each year, and guarantees that the company will continue its perishables operations covering more than 90 jobs for the length of the agreement. Demands by the company for permanent casuals, two-tier progression, copayments on health and welfare, and drug testing were all resisted.

Update on Petition on Officers' Pensions

Dale Kallenberger
Local 174, Seattle

The petition drive has gone well. I have gotten petition signatures from over 50 locals, in 19 states. Congratulations are in order, especially to the brothers and sisters in Pennsylvania Local 429, who have gathered the most signatures so far.

The purpose of the petition is to ask the General Executive Board to stop our dues money from going into officers-only pension plans. In particular, the Affiliates Plan for officers and staff of all Teamster affiliates

takes about \$12 million from our general fund each year. Petition signers think the money would be better spent on programs for rank and file members.

I want to bring this petition drive to the next step. So if you have or see any petitions around your workplace, would you please send them to me right away (the address is on the bottom of the petition). I plan to mail the first bundle of petitions to the GEB by April 1.

I want to thank everyone for your help.

NEWS YOU CAN USE

Trucking Safety—Section 405 of STAA

Your Rights and How to Enforce Them

In our last issue we detailed the story of two Teamsters who lost their jobs at grievance panels, but won them back with full back pay, using Section 405 of the STAA. In response to a number of inquiries, this article lays out the basics of the law, its protections and limitations.

In 1982, Congress enacted the Surface Transportation Assistance Act (STAA), which contains a little-known but very valuable protection for employees of trucking companies (drivers, mechanics and others).

Section 405 of that law (which is enforced by OSHA) forbids companies to discriminate against employees in any manner (from subtle economic pressure such as refusal to pay down time, to outright discharge) for complaining about DOT safety violations. It also protects drivers who refuse to operate vehicles where doing so would violate a DOT rule, or likely put the driver or the motoring public in harm's way because of the unsafe condition of the vehicle or because of

extremely hazardous conditions.

As with all laws, there are limits and exceptions that are important to understand. First, drivers who refuse to operate rigs because doing so would violate a rule must be certain they are right. Second, drivers refusing rigs should first gather evidence that will later enable them to prove that their assessment of the risk was reasonable. And they must have sought from their employer, and been unable to obtain, repair of the unsafe condition.

Thus drivers are well advised to carry such items as small cameras and tape recorders to capture evidence they might need someday. Also they might photocopy any vehicle condition reports or other documents they might need as evidence. Those employees who are worried that their employers are itching to find a reason to fire them should carry a small notebook and regularly jot down the specifics of important incidents, including info on witnesses and the "who, what, where, when and why."

To file a complaint if you have been punished (refused down time, threatened, given a letter, suspended, fired, etc.), contact an OSHA office of the U.S. Department of Labor within 180 days of the discipline. There is no particular form to file, just put in writing that you wish to file a complaint under STAA Section 405, and summarize the facts.

The DOL will investigate, and if it agrees that the company violated the law, it will order the company to reinstate you at once, even if the company wants to appeal. If the DOL concludes there was no violation, you still have a right to try the case using your own attorney. If you win at the hearing, the DOL may order the employer to pay not only your legal fees, but also compensatory damages.

This feature of the STAA was valuable during the Reagan-Bush years when DOL investigators often found no violations, but the employees were nonetheless successful in winning cases before administrative law

judges. Even when the DOL initially finds no violation, once the employee wins, the DOL shoulders the burden of enforcing the decision in the courts if the employer should refuse to comply.

Section 405 was liberally drafted to provide broader rights than other laws, such as at the NLRB. The goal is to enable motor carrier employees to take the initiative in enforcing DOT safety regulations and to protect the American people on the highways.

TDU has been heavily involved in this issue since we helped draft the law and get it passed. If you have questions feel free to contact our office for advice. Unfortunately, some Teamster locals and agents make little or no use of the law. Some do, such as Vern Bell, now president of Columbus, Ohio, Local 413, who assisted in winning one of the cases we reported on last month.

—Attorney Arthur Fox drafted the Section 405 provisions of the STAA and contributed to this article.

Info on Your Pension: Where to Find It

There are several types of documents that spell out what you can expect in a pension. Your pension plan office is the best source of information. Your local union or BA may be helpful, but Teamster pension plans are governed and operated separately from the union. For definite answers, deal directly with the pension fund.

Your pension fund is required to give you a statement of credits earned, once a year, if you ask for it in writing. If you disagree with their records, you can appeal; you need not wait until you actually apply for a pension. Information on how to appeal a decision by the pension fund is in the Summary Plan Description (see below).

Here are some documents you may want to have on hand:

The Pension Rules

Summary Plan Description. This is the short form of the pension rules; in theory, it's written in plain, easy-to-understand English. The "SPD" will tell how the plan counts your time for credits, the requirements for different levels of pensions, and how those pensions are calculated. This booklet will also describe how to use the plan's internal appeals procedure if you have a dispute. (Only after using the appeals procedure can you take your complaint to federal court.)

The pension fund is required to send an updated SPD to every person covered, at least once every five years. They have to send you an extra copy within 30 days if you request it in writing, although they're allowed to charge you for extras. SPDs are also available, for a charge, from the U.S. Department of Labor.

Pension Plan, or Plan Document. This is the set of rules that the SPD

summarizes. Some pension funds will print this in the same booklet as the SPD. Usually you don't need to see the actual legal language behind the pension rules as contained in the plan document. But if your situation isn't fully covered by the SPD, the plan document will be important. And if you have an appeal to the pension fund that is denied, they will tell you the specific plan provisions they based the denial on. The pension fund is required to send you a copy of the plan document within 30 days of your written request, but they are allowed to charge you "reasonable" copying costs (up to 25 cents per page).

Documenting Your Credits

Contracts. In most Teamster pensions your benefits will depend on your age, years of credit, and the contribution rate negotiated and specified in your contract. The contract will also tell for what periods the company is required to pay contributions; for example, the contract may call for the company to contribute for you for a certain number of weeks when you're off work due to injury. These provisions are important because you're due credit for that time, whether or not the company actually mailed the check to the pension fund.

If you're a young Teamster and want to make sure you get all your pension credits some day, it's worth a spot in your basement to save the contracts you work under. Then, if 30 years from now the pension fund says your employer wasn't contributing, you'll be able to find out the truth—if you can find it in that basement!

Social Security Records. You may need these to show you were actually working for a company during a cer-

tain period. Let's face it, there are some companies that would consider saving a buck by not sending in your pension contributions. But if records show you were working there, and the contract called for pension contributions, you get the credit even if the company cheated or defaulted. Often, a statement from a manager or co-worker at the time will serve the same purpose, if they can be found.

To get your social security records, call 1-800-772-1213.

Investigating Your Fund

Financial Reports. Your pension fund is required to send you a summary financial report every year. Usually it will come several months after the end of the fiscal year. It will list total income and payout, and tell how to get the full financial report.

The Full Annual Report is often called the "Form 5500"; it's the form that the IRS requires the fund to submit. The Form 5500 gives more detailed information on income and payments, as well as actuarial information, numbers of participants, payments to staff and consultants, and some investment information. The TRF staff can help you sort through a Form 5500 and get a feel for how healthy the fund is, but it takes a trained actuary to determine if the fund can afford higher benefits.

The Form 5500 is available from your pension fund, on written request; they may charge you copying costs. You can also obtain these reports from the DOL, although they usually do not have the most recent ones. Write to U.S. Department of Labor, Public Disclosure Room, Room N-5507, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Give them

the plan's Employer Identification Number (EIN), which is listed in the Summary Plan Description and Summary Annual Report.

Trust Agreement. For a union-sponsored pension fund, this is the agreement between the employers and the union about how the fund will be run. It spells out how the trustees operate, their terms of office, how they are to be chosen, and what happens if they can't reach a decision. It may have other interesting provisions limiting the trustees' decisions on benefits. The trust agreement is available from your pension office, which may charge copying costs.

Participation Agreement. This is an agreement between an individual employer and a multi-employer pension plan, in which the employer agrees to pay into the fund according to the contract. The participation agreement will generally list contribution rates (as bargained), and tells the employer when and where to send the checks. Local unions that pay pension contributions for unorganized staff will also sign a participation agreement. Your company's agreement is available from the fund, on written request; they may charge copying costs.

If the Fund Refuses to Supply Documents

If your pension fund refuses to honor your written request for documents within 30 days, you have a right to sue in federal court. The pension administrator can be held personally liable for \$100 per day the documents are withheld. Many funds supply documents willingly. But send your request by certified mail and keep a copy of your letter and the receipt.

LETTERS FROM OUR MEMBERS

Get NWT Facts Out

You have probably heard of the new Northwest Transport regional proposal the IBT wants to try in the Southern Conference. You also most likely have heard that R.V. Durham was putting out disinformation in the form of a letter, even before the two-man committee meetings, in his continuing effort to fight the Carey administration and make them look bad.

I feel TDU should use the *Convoy* to present the real facts to our members. Also two letters that prove Mr. Durham was going to do the same thing should be made public to show what kind of a hypocrite he is, and that he was just going to wait until after the election because he didn't have the guts to do it above board and take it to the members.

Whether you or I like or don't like the plan, the problems have to be faced, and some type of solutions tried. These problems aren't going to go away. At least Carey has the courage to face them, even if they pose political problems, and not hide from them or make deals behind the members' backs.

While we are all against a straight two-tier plan, this offers four ways to progress to full NMFA levels and would hopefully allow Northwest to cut into freight hauled by non-union carriers in the South.

R.V. Durham still hasn't accepted the fact that he is no longer the IBT freight director, and that he lost the election. It takes leadership to make the tough decisions and meet problems head on. Anyone can make the easy or popular ones.

Dick Collis
Local 104, Yellow Freight
Phoenix

Union All We Have On Our Side

It was brought up in our last union meeting that we would not have what we do have if it weren't for the union. We know UPS and most other com-

panies don't just give us anything.

I think we need to remind our Teamster brothers and sisters of this forgotten fact. Let's not sell the union short, it's all we have on our side. I'm talking about the New Teamsters.

Even if you do have an intense dislike of your union officers or business agents, now more than ever is the time to be involved with your union and attend your union meetings.

Jim Hession
Local 135, UPS
Indianapolis

UPS Achievement Award Rejected

The following is a letter from a UPS Teamster to his district manager.

On March 4, 1993 I will have 30 years with UPS. Subsequently I was approached by my supervisor and asked to select a 30-year achievement award, which I did.

In retrospect I feel I made the wrong decision in accepting this award and am writing you to rescind that decision and cancel the award.

I feel that accepting this award acknowledges that I accept the company's policy towards its employees. However, I do not accept that policy. As a full-time preloader I do not accept being intimidated, harassed, or being made to feel stupid. I do not like being constantly stared at, nor do I appreciate being told to do the same things over and

over as if I were a child.

I no longer look forward to going to work as it seems that every day something unpleasant will happen. Who will be picked out for extra harassment, will we be allowed to listen to the radio, how short of help will we be? I could go on but I feel it would be pointless.

Although writing this letter has been my own decision I feel that I am speaking for all of my co-workers.

In closing I would ask that no member of management approach me to reconsider, as my decision is final.

Jerry Gaimari
Local 404, UPS
Springfield, Mass.

Another View of San Diego Local

The story of how the Democracy and Justice Slate reformed Local 481 beginning in 1990 is well known in San Diego and is well documented (see *Convoy Dispatch* #93). Our recent white ballot re-election further illustrates how this local has been changed for the better over the past three years.

A letter from brother Jesus Pacheco in issue #120 disturbed many Local 481 members, and I think the record should be set straight with a few facts to clear up some of Brother Pacheco's misperceptions:

The "unelected stewards" he refers to were, in fact, the first and only volunteers on their respective shifts for the position of shop steward, and were appointed through the efforts of the new officers and business agents.

These stewards did not "approve a poor contract," they constituted the bargaining committee (another first at System Parking) which recommended the new contract (the second one with the employer and the first one negotiated there by the new administration) to the membership. The members who attended the ratification meeting then voted on the agreement and *approved it unanimously*. Conspicuously absent throughout the entire process was Brother Pacheco, who had failed to notify the union of his return to work and did not appear at the ratification.

The "poor contract," incidentally, increased current drivers' wages at the time an average of 8.77%. Since Brother Pacheco started (under the old contract), his wages have increased over 33% due to improvements in the new contract in just 14 months. Also included in the new contract were provisions for a union bulletin board and Teamster dental insurance—two more first-time improvements.

Brother Pacheco has apparently forgotten how this local union went to the wall for him to obtain a very favorable settlement from a previous employer. While I agree with him

that we must all "keep up the struggle," I would assert that we must also be sure to positively identify the enemy first.

Rich Nageotte
Local 481 Secretary-Treasurer
San Diego

Thanks, and Congratulations

Thank you to all those TDU members who responded to the special mail appeal for funds. The TDU headquarters has received hundreds of donations, large and small, that are taking a bite out of our budget shortfall. We know that most Teamsters don't have a lot of extra cash, so your help, whether \$200 or \$20, is significant.

The enthusiasm with which this budget challenge is being met means we all deserve a big congratulations for keeping the reform movement strong. The rest of the story is in recruiting; TDU members are working hard at that, too, and that's the best way to keep TDU growing.

TDU Meets

CLEVELAND
Sunday, March 14
1 p.m.
Bedford Hts. Community Center
5615 Perkins Rd.
Bedford Heights, Ohio

EAST BAY
Saturday, March 13
10 a.m.
For information: (510) 658-7159

INDIANAPOLIS
Saturday, March 20
2 p.m.
Waterfront Plaza Best Western
Off I-465, Speedway Claremont exit

MILWAUKEE
Saturday, March 6
12:30 p.m.
Security Savings and Loan
76th & Layton

NORFOLK, VA.
Saturday, March 13
11 a.m.
Western Steer Steak House
(Next to Local 822 union hall)
Phone (804) 487-2647

PHOENIX
Friday, March 19
7 p.m. to 9 p.m.
Embassy Suites

SEATTLE
Saturday, March 13
9 a.m.
Mountlake Terrace Library
2330 58th Ave. West
Mountlake Terrace, Wash.

SOUTHERN CALIFORNIA
Sunday, April 4
10 a.m.
Pomona VFW
101 S. Main
Pomona, Calif.

TUCSON
Saturday, March 20
11 a.m. to 1 p.m.
Quality Inn

SAVE THE DATE!

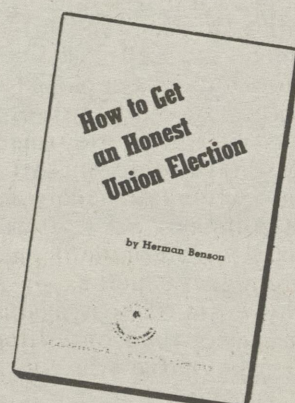
**1993 TDU
Rank & File
Convention
Oct. 29-31**

Watch *Convoy Dispatch* for
more information

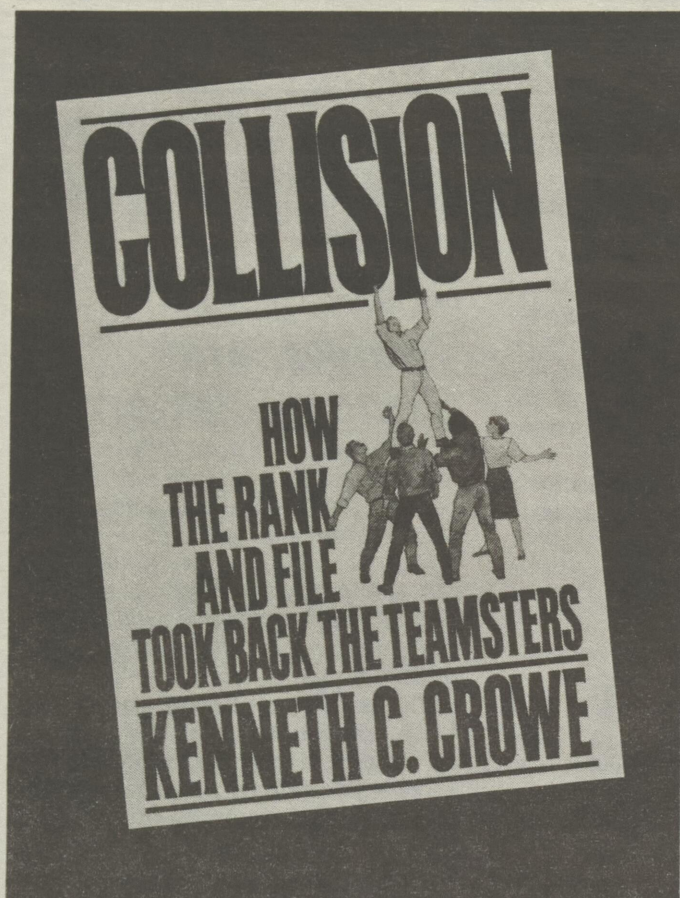
How to Get an Honest Union Election

This 65-page booklet, written by Herman Benson of the Association for Union Democracy, covers the laws you need to know, how voting procedures should be conducted and exactly what your rights are in a local union election.

To order send \$4 per copy along with this ad to Association for Union Democracy, 500 State St., Brooklyn, N.Y. 11217.



Name _____
Address _____
City _____ State _____ Zip _____



COLLISION

How the Rank and File Took Back the Teamsters

—Kenneth C. Crowe

“The consent decree might have created the stress that broke the hierarchy apart, but without TDU the presidential election would have been between the two “old guard” candidates, Walter Shea and R.V. Durham ...”

—From “Collision”

Hot off the press, “Collision” tells the inside story of the historic election that brought new leadership to the Teamsters. *Newsday* reporter Ken Crowe has covered the Teamsters union since 1976 and had access to all the key players in the dramatic events that reshaped the Teamsters.

“This is a great book. It’s dramatic. It’s got great characters. It’s a page-turner. And one other thing: It’s a first-class piece of relentless reporting about the single most important development in the American labor movement in the last half-century.”

—Steven Brill, author of “The Teamsters”

Rank and File Rebellion:

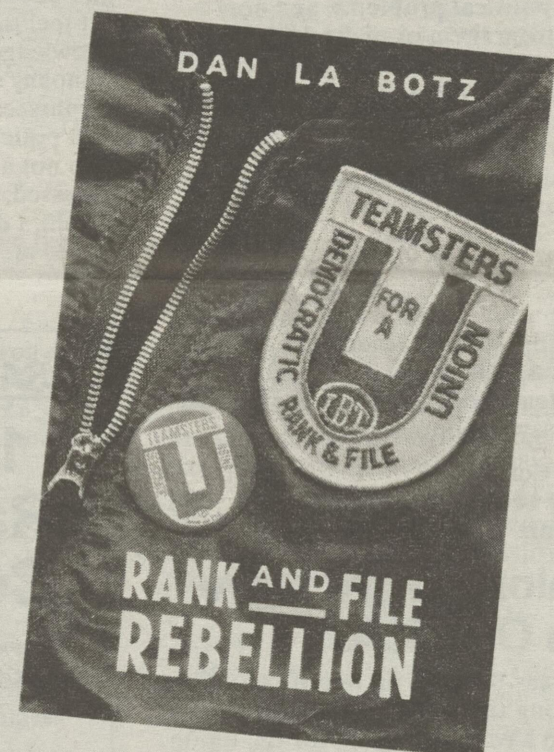
Teamsters for a Democratic Union

—Dan LaBotz

TDU’s history, told through the lives of men and women active in the struggle to restore our union to the members.

“Dan LaBotz’s book should be read by every Teamster, by every labor union member, and by every citizen who is concerned about the future of democracy in our unions and in our nation.”

—Victor Reuther, former UAW leader



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